

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREGORY LEE,

Plaintiff,

CIVIL ACTION NO. 17-cv-11054

v.

DISTRICT JUDGE BERNARD A. FRIEDMAN

RONALD HAIRSTON *et al.*,

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendants.

_____/

**ORDER DENYING PLAINTIFF’S MOTION FOR AN ORDER TO MAKE COPIES [31]
AND GRANTING IN PART PLAINTIFF’S MOTION FOR LEAVE TO FILE A LATE
RESPONSE [30]**

Plaintiff, a state inmate in the custody of the Michigan Department of Corrections (MDOC), filed this *pro se* prisoner civil rights action against multiple defendants on March 30, 2017, pursuant to 42 U.S.C. § 1983, alleging violations of his First and Eighth Amendment rights. (Docket no. 1.) This action has been referred to the undersigned for all pretrial purposes. (Docket no. 16.)

Before the Court is Plaintiff’s Motion for Leave to File a Late Response to Defendant Hairston’s Motion for Summary Judgment. (Docket no. 30.) Plaintiff asserts that the delay in filing his Response is a result of the law library’s refusal to make copies of it. (*Id.* ¶ 6.) In light of this refusal, Plaintiff filed a grievance with the MDOC and the instant Motion for an Order to Make Copies with the Court. (Docket no. 31.) In that Motion, Plaintiff asks the Court to enter an order enabling him to make two copies of his Response to Defendant’s Motion. (*Id.*) Plaintiff, however, advances no authority on which the Court could grant such a request. In fact, this issue is governed by MDOC policy. And Plaintiff seemingly concedes as much, as he has

since filed a copy of the MDOC's response to his grievance, which provides that Plaintiff's Response to Defendant's Motion did not qualify for a legal photocopy loan under MDOC Policy Directive 05.03.116 because it was not prepared by a legal writer. (Docket no. 32 at 2.) In light of this grievance response, Plaintiff requests that he be granted a period of fourteen (14) days to make handwritten copies of his Response to Defendant's Motion and to submit his Response to the Court. (*Id.* at 1.)

Having considered the instant Motions and Plaintiff's supplemental filing thereto, the Court **DENIES** Plaintiff's Motion for an Order to Make Copies (docket no. 31) because the Court does not have the authority to grant Plaintiff the relief he seeks and because Plaintiff has effectively abandoned this Motion through his latest request for time to make handwritten copies. Under the circumstances, the Court finds good cause to extend the filing deadline for Plaintiff's Response to Defendant's Motion for Summary Judgment and will **GRANT** Plaintiff's Motion for Leave to File a Late Response (docket no. 30) **IN PART**: Plaintiff must file his Response to Defendant's Motion for Summary Judgment by February 23, 2018.

IT IS SO ORDERED.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: February 5, 2018

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Plaintiff and counsel of record on this date.

Dated: February 5, 2018

s/ Leanne Hosking
Case Manager